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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,306	02	2/14/2001	Uwe Wenzel	51202	2453
26474	7590	10/01/2002			
KEIL & W	-		EXAMINER		
1350 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			KHARE, DEVESH		
				ART UNIT	PAPER NUMBER
				1623	
				DATE MAILED: 10/01/2002	3

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. Applicant(s) Office Action Summary Osy762,306 WeNZEL ET AL. Examiner Devesh Khare 1623 Devesh Khare 1623 A **Tubit* 1623 A **SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE of THIS COMMUNICATION. Exercisions of fine may be available under the pervisions of 3 C/SR 1.136(s). In covern, however, may a may be teriny filled after \$1,000 (MONTH) fills from the maining date of this communication appears on the c. verse review of the communication and the six (s) MONTH fills from the maining date of this communication; easy within the author winnimum of the 30 (s) Month fills from the maining date of the someonic exposition to be consequently only do say with the communication; which is the communication and patient from adjustment of the communication; which is the resting exist of the communication; when the state of the communication; which the fine the communication and patient from adjustment. See 37 C/SR 1.704(s) and the resting exist of the communication; which the state of the communication; which the communication are accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Status** 1)								
Examiner Devesh Khare - The MAILING DATE of this communication appears on the c ver sheet with the correspondence address → Perl of f r R ply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Examinete of interminal to shall be a provision of 31 CPR 1.59(a). In no event, however, may a right be trially filed - If the period fronty specified solve, the success of 31 CPR 1.59(a). In no event, however, may a right be trially filed - If the period fronty specified solve, the success of 31 CPR 1.59(a). In no event, however, may a right be trially filed - If the period fronty specified solve, the success of 31 CPR 1.59(a). In no event, however, may a right be trially filed - If the period for righty specified solve, the success of 31 CPR 1.70(a). - If the period for righty specified solve, the success of a state that the period in the success of the control filed to the state of this communication. - Any reply readous by the Office lates than three models after the insuling date of this communication, even if timely filed. They reduce any search parent form adjustment. Sea 37 CPR 1.70(b). - Status - The Responsive to communication(s) filed on		Application No.	Applicant(s)					
Devesh Khare 1623		09/782,306	WENZEL ET AL.					
- The MALING DATE of this communication appears on the c_ver sheet with the correspondence address — Peri d f rR ply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Examations of time may be a varieties under the provisions of 3f CFR 1.136(a). In no event, however, may a raphy be timely filed Examations of time may be a varieties of 3f CFR 1.136(a). In no event, however, may a raphy be timely filed Examations of time may be a varieties of 3f CFR 1.136(a). In no event, however, may a raphy be timely filed If the period for rophy specified shows, he maximum statutory period vall pay and vall loopes 5% (NoMNHS from the maling date of this communication. Fairwise to reply within the sold or setting of the reply will, by stantutory period vall pay and vall loopes 5% (NoMNHS from the maling date of this communication. Fairwise to reply within the sold or setting of the reply filed. From the provided of the communication to second ABANDONED (39 U.S.C. § 1.33). Responsive to communication(s) filed on	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time range to available and of the provisions of 37 °CF* 1.15(e). In no event, however, may a reply be timely filed - Extensions of time range to available and of the provisions of 37 °CF* 1.15(e). In no event, however, may a reply be timely filed - Extensions of time range to available and of the provisions of 37 °CF* 1.15(e). In no event, however, may a reply be timely filed - Extensions of time range to available and the provisions of 37 °CF* 1.15(e). The control of this you good you will be considered bring the provisions. It is a statutory minimum of thing (30) days will be considered bring the provisions of the provision of this provision is provided bring the provision of the above claim(s) is/are projected. - Size of Claim(s) is/are allowed. - Claim(s) is/are rejected. - Claim(s) is/are rejected. - Claim(s) is/are subject to restriction and/or election requirement. - Application Papers - Priority under 35 U.S.C. §§ 119 and 120 - 11) The drawing(s) filed on is/are: a) capacited to the drawing(s) be held in aboyance. See 37 °CFR 1.85(a). - The proposed drawing correction filed on is/are: a) capacited or by the Examiner. - The provision of corrected drawings are required in reply to this Office action. - Priority under 35 U.S.C. §§ 119 and 120 - 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). - a) All by Some * C) Mone of: - Certified copies of the priority documents have been received. - Certified copies of the priority documents have been received in Application No. - See the attached detailed Office action for a list of the certified copies not freceived. - Certified copies of the priority documents have been received. - Certified copies of the priority documents have been re								
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1 Responsive to communication(s) filed on 2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-12 Is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) 1-12 are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner.	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 							
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Application/Control Number: 09/782,306

Art Unit: 1623

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1 and 2 are, drawn to compositions selected from the group flavones (composed of a flavonoid skeleton and sugar substituent), classified in class 424, subclass various.
 - II. Claims 3 and 4 are, drawn to a method for inhibiting COX-2 biosynthesis or COX-2 biosynthesis and NFχB biosynthesis, classified in class 514, subclass various.
 - III. Claims 5-7 are, drawn to a method of treating inflammation, rheumatoid arthritis and osteoarthritis, classified in class 514, subclass various.
 - IV. Claims 8-12, drawn to a food or nutritional substance, classified in class426, subclass various.

The inventions are distinct, each from the other because:

Inventions I, IV and II-III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP, 806.05(h)). In the instant case the process for using the product can be practiced with another materially different product e.g. through a herbal composition described by

Newmark et al. (U.S. Patent 6,264,995) which utilizes these compositions for their anti-inflammation activity in bones and joints by inhibiting the enzyme COX-2.

Inventions II and III are unrelated to one another. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case the different method of use inventions, while using similar compositions have different epidemiologies and different modes/routes of action.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devesh Khare whose telephone number is (703)605-1199. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, Supervisory Patent Examiner, Art Unit 1623 can be reached at 703-308-4624. The official fax phone numbers for the organization where this application or proceeding is assigned is (703)308-4556 or 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1235.

Devesh Khare, Ph.D.,JD(3Y).

Art Unit 1623

September 26, 2002

Much

SAMUEL BARTS
PRIMARY EXAMINER
GROUP 1200